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| 10/802,494 | 03/16/2004 | Masaaki Okabayashi | 393032044100 | 3650 |
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| EXAMINER | | | | |
| MONIKANG, GEORGE C | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,494

Applicant(s)

OKABAYASHI ET AL.

Examiner

GEORGE C. MONIKANG

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/802,494.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 4/19/2004, 3/16/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/11/2008 have been fully considered but they are not persuasive.
2. With respect to applicant's arguments that Ota et al fail to disclose a digital mixer with a plurality of bus selection controls where the controls display ON/OFF states when the bus selecting controls are being operated beyond a predetermined time. However, the examiner maintains his stands, Ota et al discloses channel selecting controls associated with BUS1 to BUS8 (Ota et al, fig. 5: para 0061). In controlling the channel selection, the user inadvertently controls the BUS assignment. Applicant also argues that after the predetermined time period, the bus selecting controls indicates an ON/OFF state, the examiner asserts that an ON/OFF state is utilized throughout the operation of Ota et al (Ota et al, para 0040).
3. With respect to applicant's argument that Suyama et al fails to disclose a control section that copies levels to a second bus control section, examiner maintains his stands. In Suyama et al, (Suyama et al, para 0060), there is disclosed a send level of a channel of BUS corresponds to send level of a controller.
- 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota et al, US Patent Pub. 2002/0188364 A1.

Re Claim 1, Ota et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 3), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 3: 312; para 0052); a plurality of buses each arranged to perform mixing processing on the sound signals input thereto from one or more of said plurality of input channels and thereby output mixed sound signals (fig. 3: 314; para 0048); a plurality of bus selecting controls provided in one-to-one corresponding relation to said plurality of buses, each of said bus selecting controls selecting a corresponding one of said buses in response to operation thereof (fig. 2: 232; paras 0049-0050); a plurality of channel-specific send controls provided in corresponding relation to said plurality of input channels, each of said channel-specific send controls controlling a level of the sound signal to be delivered from a corresponding one of said input channels to the selected bus (para 0050); a plurality of channel-ON controls provided in corresponding relation to said plurality of input channels, each of said channel-ON controls setting whether or not the sound signal is passed through each of said input channels corresponding to each of said channel ON controls (para 0061), each said channel-ON controls having a display that displays a signal ON/OFF state of the corresponding input channel (fig. 2: 233; para 0040), said signal ON/OFF state indicating whether the sound signal is to be passed through the corresponding input channel (para 0061); a send ON/OFF section that sets

whether or not to permit delivery of the sound signals from said input channels to said buses for each of combinations of said input channels and said buses (fig. 2: 233; para 0040; para 0061); and a control section (para 0061) that, while any one of said plurality of bus selecting controls is being operated beyond a predetermined time period, causes the displays of said channel-ON controls to display ON/OFF states, in said send ON/OFF section, of the delivery of the sound signals from the input channels, corresponding to said channel-ON controls, to the bus corresponding to the one bus selecting control (paras 0039-0040; para 0061).

Claim 2 has been analyzed and rejected according to claim 1.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Suyama et al, US Patent Pub. 2002/0156547 A1.

Re Claim 3, Suyama et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 1), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 1: 112 & 113); a plurality of layer controls provided in corresponding relation to a plurality of layers provided by dividing said plurality of input channels into groups each comprising a predetermined number of the input channels (para 0020), each of said layer controls selecting, in response to operation thereof, the predetermined number of the input channels belonging to a corresponding one of said layers (paras 0021-0020); a first bus that performs mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby outputs mixed

sound signals (fig. 1: 114; para 0046); a predetermined number of first level controls (fig. 2a: 212; fig. 3: 302) to which are allocated the predetermined number of the input channels selected via said layer control, each of said first level controls adjusting, in response to operation thereof, delivery levels of the sound signals to be delivered from the input channels allocated thereto to said first bus (para 0053); a plurality of second buses that perform mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby output mixed sound signals (fig. 1: 115-117; para 0046); a plurality of bus selecting controls (fig. 5: 502 & 503; para 0060) provided in on-to-one corresponding relation to said plurality of second buses, each of said bus selecting controls selecting a corresponding one of said second buses in response to operation thereof (fig. 5: 502 & 503; para 0060); a predetermined number of second level controls to which are allocated the predetermined number of the input channels selected via said layer control, each of said second level controls adjusting, in response to operation thereof (para 0060), delivery levels of the sound signals to be delivered from the input channels allocated thereto to said second bus selected via said bus selecting control (fig. 5: 502 & 503; para 0060); and a control section (fig. 5: para 0060) that, in response to operation of any one of said plurality of bus selecting controls during continued operation of any one of said plurality of layer controls, copies, the delivery levels (paras 0060), of the signals to be delivered from the predetermined number of the input channels to said second bus corresponding to the one bus selecting control, from the delivery levels, set via said first level control, of the signals to be

delivered from the predetermined number of the input channels (para 0060), corresponding to the one layer control (para 0060), to said first bus.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **GEORGE C. MONIKANG** whose telephone number is (571)270-1190. The examiner can normally be reached on M-F, alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/
Examiner, Art Unit 2615

6/6/2008

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615